

REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1–4, 28, and 33 have been amended. Claims 7–27 have been canceled. Claims 42–61 have been added. Hence, Claims 1–6 and 28–61 are pending in this application.

The added claims and amendments to the claims do not add any new matter to this application and are supported by the Specification. The amendments and the cancellations to the claims were made to improve the readability and clarity of the claims and not necessarily for any reason related to patentability.

All issues raised in the Office Action are addressed hereinafter.

I. CLAIM REJECTIONS BASED ON 35 U.S.C. § 102

A. Anticipation under 35 U.S.C. § 102(e): Porras

Claims 1–41 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,321,338 B1 (hereinafter “*Porras*”). Applicants traverse the rejection. Reconsideration is respectfully requested.

CLAIM 1

Claim 1 presently recites, among other elements:

performing, at the network entity, the steps of:
monitoring the network entity;
periodically evaluating one or more specified conditions at
the network entity;
when one or more of the specified conditions are satisfied,
then:
gathering specified information from the network entity;
preparing a message that includes the specified information
and the specified conditions that were satisfied; and
sending the message to one of a management application or
a management proxy.

The method of Claim 1, among other effects, facilitates the monitoring of a network entity for “specified conditions.” As the method clarifies, the steps of the method are carried out

by the monitored network entity, itself. When the specified conditions are met, the network entity sends a message to a management proxy or a management application. This device-initiated network management technique is useful for a number of purposes, such as management of a network entity on a private network by a management application outside of that network. See Specification at ¶¶ [0003]–[0008].

By contrast, *Porras* teaches that a monitor 16 performs surveillance “of network packets . . . handled by a network entity 14a–14c.” *Porras* at col. 3, lines 32–45. The monitors report events to an analysis engine 22 or 24 for analysis. *Porras* at col. 5, lines 30–35. As depicted in *Porras* at FIG. 1, neither the monitor 16 nor the analysis engines 22 and 24 are part of any network entity that is being monitored. Thus, at best, *Porras* may be said to disclose monitoring of traffic related to a network entity by an entity other than the network entity.

The Office Action alleges that *Porras* discloses each of the steps of Claim 1 in col. 6, lines 12–25 and 40–46. These passages discuss various classes of “measures” used by profile engine 22 to “profile network activity indicated by an event stream” received from a monitor 16. *Porras* at col. 5, lines 37–40 and 48–52. These passages also mention that a monitor 16 may perform correlative analysis from reports received from other monitors 16. *Porras* at col. 6, lines 34–37.

Even if this passage of *Porras* disclosed steps of Claim 1 (which it does not), the activities discussed in this passage occur at monitors 16 or engines 22 and 24, and not **at the network entity being monitored**. *Porras* therefore fails to teach or suggest “performing, at the network entity” being monitored, any of the steps recited in Claim 1.

For at least the foregoing reasons, *Porras* fails to teach or suggest at least one element of independent Claim 1. Therefore, *Porras* does not anticipate Claim 1 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 2

Claim 2 presently recites, among other elements:

performing, at a management proxy, the steps of:
receiving a request from a management application for
interaction with the network entity;
creating a management request that includes a network
element identifier;

storing a management request in the management proxy while awaiting a poll for the management request from the network entity;
receiving a poll message from the network entity, wherein each poll message requests any available management requests applicable to the network entity;
in response to the poll message:
selecting one or more management requests that match the network entity; and
delivering the selected one or more management requests to the network entity;
wherein the management proxy is external to the management application and the network entity.

The method of Claim 2, among other effects, facilitates the delivery of management requests from a management application to a network entity. The method recites a “management proxy” that performs each of the steps of Claim 2. The management proxy receives a request for interaction with the network entity—e.g. a request for the network entity to report configuration information to the management application. The management proxy creates a management request based on this request. The management request is pooled along with other management requests in a buffer at the management proxy until the management proxy receives a poll message from the network entity. When the management proxy receives the poll message, it searches for all buffered management requests directed to the network entity and then sends them to the network entity.

The method of Claim 2 may be useful for a number of purposes, including management of a network entity by a management application that would otherwise be unable to reliably communicate with the network entity. For example, using this method, the management application may send messages to a network entity even though the network entity may be offline, at an unknown address, behind a firewall, or otherwise inaccessible to the management application at the time it sends the message. See Specification at ¶¶ [0003]–[0008].

By contrast, *Porras* fails to teach techniques that may be useful for such purposes. This is evident from the fact that *Porras* fails to teach or suggests a number of elements of Claim 2, including:

(1) *Porras* does not disclose a “management proxy”

Claim 2 recites that a “management proxy” performs each of its step. However, *Porras* does not disclose a management proxy within the meaning of Claim 2. The Office Action alleges *Porras* discloses a management proxy at col. 8, lines 32–39 and col. 3, lines 43–45 because “the network entity is a proxy server.” Applicants do not dispute that a proxy server may be a network entity. However, just because a network entity is a proxy server does not mean it is a management proxy within the meaning of Claim 2. One skilled in the art would recognize that the network entity discussed in *Porras* is not a “management proxy.”

Moreover, Claim 2 recites that the management proxy performs every step of Claim 2. *Porras* does not disclose a single device that performs every step of Claim 2. Therefore, *Porras* does not disclose a management proxy within the meaning of Claim 2.

(2) *Porras* does not disclose “storing a management request in the management proxy”

Claim 2 recites “storing a management request in the management proxy while awaiting a poll for the management request from the network entity.” By pooling management requests until a network entity asks for them, Claim 2 provides increased flexibility for the network entity. For example, the network entity may decide when it should receive management requests, instead of being required to constantly listen for management requests.

Porras fails to disclose “storing a management request in the management proxy,” much less storing the request “while awaiting a poll for the management request from the network entity.”

The Office Action alleges that *Porras* discloses such a feature at col. 8, lines 32–39 and col. 3, lines 43–45. The Office Action is mistaken. In these passages, *Porras* discusses how resolver 20, which makes decisions on how to react to trends detected by the analysis engines 22 and 24, accepts subscriptions from monitors.” The Office Action appears to believe that subscriptions are management requests. They are not—subscription requests merely inform a resolver 20 that a subscriber is interested in receiving reports from the resolver 20. See *Porras* at col. 9, lines 26–27.

Even if subscriptions could be construed as management requests, *Porras* still does not teach that management requests are stored “in [the] management proxy while awaiting a poll for

the management request from the network entity.” Rather, as *Porras* explains, “once a subscription request is accepted by the server, the server forwards events or analysis results to the client automatically as data becomes available.” In other words, *Porras* teaches to send out reports “automatically as data becomes available.” *Porras* at col. 9, lines 27–31. This approach is very different than pooling reports while waiting for a subscriber to request them.

(3) *Porras* fails to disclose “receiving a poll message from the network entity.”

Claim 2 recites “receiving a poll message from the network entity, wherein each poll message requests any available management requests applicable to the network entity.” *Porras* discloses no such poll message.

The Office Action alleges that *Porras* at col. 8, lines 14–16 teaches a “poll message” because “the analysis engine receives large volumes of events that are fed to the resolver.” It is not clear what aspect of this passage is alleged to teach poll messages. Nor could this passage teach anything about poll messages because the only types of messages disclosed in this passage are “events.” Events are clearly not poll messages within the meaning of Claim 2, because they “do not requests any available management requests applicable to the network entity.”

Furthermore, the Office Action is inconsistent. The Office Action previously alleged *Porras*’ resolver 20 to be the “management proxy” at which the management requests are stored. Yet, *Porras*’ events are received at the analysis engine, which was not alleged to be the management proxy. If events were “poll messages,” within the meaning of Claim 2, they would have to be received at the same entity alleged to be the management proxy. Thus, events are not poll messages within the meaning of Claim 2.

(4) *Porras* fails to disclose sending a management request to the network entity “in response to the poll message”

Claim 2 recites “in response to the poll message,” performing the step of “delivering the selected one or more management requests to the network entity.” *Porras* fails to disclose such a feature.

The Office Action alleges that *Porras* discloses such a feature at col. 8, lines 34–39, because, according to the Office Action, “a resolver handles requests and acts as an interface that disseminates requests.” However, the Office Action misreads this passage. While *Porras*’s resolver may receive “configuration requests” from subscribers, these requests are not

disseminated to subscribers. Rather, “intrusion reports” are disseminated to subscribers. *Porras* at col. 8, lines 34–39.

Furthermore, Claim 2 presently recites that management requests are delivered to a network entity “in response to [a] poll message” from the network entity. *Porras* fails to disclose such a technique for at least the reason that, in *Porras*, events and analysis results are forwarded “automatically as data becomes available” instead of “in response to [a] poll message.” *Porras* at col. 9, lines 27–31.

For at least the foregoing reasons, *Porras* fails to teach or suggest at least one element of independent Claim 2. Therefore, *Porras* does not anticipate Claim 2 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 28

Claim 28 presently recites, among other elements:

at the network element or a proxy server, performing the steps of:
receiving first definitions of one or more triggers, each
comprising one or more conditions;
receiving second definitions of report information;
determining that any of the triggers is satisfied, and in
response thereto, initiating communication of at
least some of the report information to a
management proxy or a management application.

Porras also fails to disclose a number of elements of Claim 28, including:

(1) *Porras* does not disclose “first definitions of one or more triggers.”

Claim 28 recites “receiving first definitions of one or more triggers, each comprising one or more conditions.” *Porras* fails to teach such a step.

The Office Action alleges that *Porras* teaches this step by virtue of “meta-measures,” as discussed at col. 6, lines 26–30. The Office Action is mistaken. Meta-measures “describe how other measures in the profile are affected by each event.” “Meta-measures” cannot be “triggers” within the meaning of Claim 28, because they do not “comprise one or more conditions.” The meta-measures are descriptive, but do not include conditions. Therefore, *Porras* fails to provide the subject matter of claim 28.

(2) *Porras* does not disclose “second definitions of report information.”

Claim 28 recites “receiving second definitions of report information.” Again, *Porras* fails to teach such a step.

The Office Action alleges that *Porras* teaches this step by virtue of “event distribution measures,” as discussed at col. 6, lines 35–38. Again, the Office Action is mistaken. Event distribution measures *are* meta-measures. *Porras* at col. 6, line 26. The meta-measures were alleged to disclose the first definitions. The same element of *Porras* cannot be considered to be second definitions as well.

(3) *Porras* does not disclose “determining that triggers are satisfied” or “initiating communication . . . of the report information.”

Claim 28 recites “determining that any of the triggers is satisfied, and in response thereto, initiating communication of at least some of the report information to a management proxy or a management application.” Again, *Porras* fails to teach such a step.

The Office Action alleges that *Porras* at col. 6, lines 28–29 teaches this step. The allegation is clearly erroneous. In these two lines, there is no mention or implication of triggers, satisfying triggers, the initiation of communication in response to satisfying triggers, or the communication of report information. Indeed, the only matter discussed in these two lines is that an FTP command may affect a directory measure.

The Office Action fails to specifically identify how *Porras* teaches triggers, satisfying triggers, the initiation of communication in response to satisfying triggers, and the communication of report information. *Porras* has no such disclosure.

For at least the foregoing reasons, *Porras* fails to teach or suggest at least one element of independent Claim 2. Therefore, *Porras* does not anticipate Claim 2 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 34

Claim 34 presently recites, among other elements:

requesting a management gateway that is communicatively coupled to the network element to provide one or more application requests for the network element that have been stored at the management gateway by an application;

in response to receiving an application request, initiating at the network element a communication session between the network element and the management application for enabling the network element to reply to the application request.

The method of Claim 34, among other effects, facilitates a network element's response to a management request received from a management gateway as a result of the management gateway performing the steps of Claim 2. The network element polls the management gateway, receives management requests, and then communicates responses to those management requests to the management application.

Porras fails to disclose any element of Claim 34.

(1) *Porras* fails to disclose “requesting a management gateway . . . to provide one or more application requests for the network element.”

The Office Action alleges that *Porras* at col. 8, lines 32–39 and col. 3, lines 43–45 teaches “requesting a management gateway that is communicatively coupled to the network element to provide one or more application requests for the network element that have been stored at the management gateway by an application.” According to the Office Action, this passage of *Porras* teaches the quoted step of Claim 34 because “a resolver is handling incoming requests by subscribers whose identities appear in the monitor; the network entity is a gateway.”

The allegation is in error. This passage, which discusses subscription requests, says nothing about sending a request “to provide one or more application requests for the network element that have been stored at the management gateway by an application.” Rather, the subscription requests are requests to “receive event data and analysis results from servers.” *Porras* at col. 9, lines 25–27. *Porras*' subscribers do not subscribe to “application requests for the network element.”

Furthermore, the allegation that “the network entity is a gateway” is inconsistent. By alleging that *Porras*' network entity is also the management gateway of Claim 28, the Office Action implicitly alleges that *Porras*' network entity requests, from itself, application requests for itself that have been stored on itself. But if the network entity were the gateway, the network entity would have no need to act in this manner, as it would already have access to the application requests that it had stored. Thus, *Porras* clearly would not make such a teaching.

Nor does the claim language permit the network entity to be the management gateway, as the management gateway must be “communicatively coupled to the network entity.” Unless the Office believes this language to be meaningless, the network entity must be different from the management gateway so as to be “communicatively coupled.”

(2) Porras fails to disclose “initiating . . . a communication session . . . for enabling the network element to reply to the application request.”

The Office Action also alleges that *Porras*, at col. 7, lines 32–36, teaches “in response to receiving an application request, initiating at the network element a communication session between the network element and the management application for enabling the network element to reply to the application request.” Again, the Office Action is in error.

This passage teaches that signature engine 24 scans event streams from monitors 16 for activities that “warrant[] a response from the monitor.” *Id.* This passage fails to disclose the initiation of any communication session or a reply to any application request. Moreover, no mention is made in this passage of the network element at all, as the passage is concerned solely with monitors 16 and signature engine 24. Nor is it clear what aspect of *Porras* is alleged to correspond to Claim 34’s application request or Claim 34’s management application to which Claim 34’s network element replies regarding the application request.

The Office Action fails to specifically identify how *Porras* teaches the initiation of a communication session between a network element and a management application, an application request, and a reply to that application request. *Porras* has no such disclosure.

For at least the foregoing reasons, *Porras* fails to teach or suggest at least one element of independent Claim 34. Therefore, *Porras* does not anticipate Claim 34 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

DEPENDENT CLAIMS 3–6, 29–33, AND 35–41

Each of Claims 3–6, 29–33, and 35–41 depends from one of Claims 1, 2, 7, 11, 18, 22, 23, 28, or 34, and includes each of the above-quoted features of its respective parent claim by dependency. Thus, *Porras* also fails to teach or suggest at least one feature found in Claims 3–6, 29–33, and 35–41. Therefore, *Porras* does not anticipate Claims 3–6, 29–33, and 35–41. Reconsideration of the rejection is respectfully requested.

In addition, each of Claims 3-6, 29-33, and 35-41 recites at least one feature that independently renders it patentable. However, to expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 3-6, 29-33, and 35-41 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

II. CONCLUSION

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
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